

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
ZHE YNAGDEFENDANTS
GREYHOUND LINES, INC.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Law Firm of Jeffrey Lessoff, 350 Broadway, Ste. 703,
New York, NY 10013 (212) 219-9257

ATTORNEYS (IF KNOWN)

Ahmuty, Demers & McManus, Esqs., 123 William Street,
New York, NY 10038 (212) 513-7788

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. 1332 - personal injuries as a result of plaintiff's altercation with defendant's employees while boarding bus.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 620 FOOD & DRUG	[] 423 WITHDRAWAL	[] 410 ANTI-TRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 630 LIQUOR LAWS	[] 440 COMMERCIAL RATES/ETC	[] 440 COMMERCIAL RATES/ETC
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 640 RR & TRUCK	[] 450 DEPORTATION	[] 450 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 650 AIRLINE REGS	[] 460 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	[] 460 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 470 CONSUMER CREDIT	[] 470 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 690 OTHER	[] 480 CABLE/SATELLITE TV	[] 480 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[x] 360 OTHER PERSONAL INJURY		[] 490 SELECTIVE SERVICE	[] 490 SELECTIVE SERVICE
[] 190 OTHER CONTRACT			[] 850 SECURITIES/COMMODITIES/EXCHANGE	[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY			[] 875 CUSTOMER CHALLENGE	[] 875 CUSTOMER CHALLENGE
[] 196 FRANCHISE			[] 891 AGRICULTURE ACTS	[] 891 AGRICULTURE ACTS
			[] 892 ECONOMIC STABILIZATION ACT	[] 892 ECONOMIC STABILIZATION ACT
			[] 893 ENVIRONMENTAL MATTERS	[] 893 ENVIRONMENTAL MATTERS
			[] 894 ENERGY ALLOCATION ACT	[] 894 ENERGY ALLOCATION ACT
			[] 895 FREEDOM OF INFORMATION ACT	[] 895 FREEDOM OF INFORMATION ACT
			[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
			[] 950 CONSTITUTIONALITY OF STATE STATUTES	[] 950 CONSTITUTIONALITY OF STATE STATUTES
			[] 890 OTHER STATUTORY ACTIONS	[] 890 OTHER STATUTORY ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN 'x' IN ONE BOX ONLY)

ORIGIN

☐ 1 Original Proceeding ☒ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

☐ 2b. Removed from State Court

AND at least one party is a pro se litigant

(PLACE AN 'x' IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Zhe Yang
111 McDougal Street, #10
New York, New York 10012
New York County, NY

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Greyhound Lines, Inc.
15110 Dallas Parkway, 5th Floor
Dallas, Texas 75248
Dallas County, TX

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE
July 16, 2007

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO☒ YES (DATE ADMITTED Mo. 02 Yr. 1989)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZHE YANG,

-against-

Plaintiff(s),

GREYHOUND LINES INC.

Defendant.

JUDGE McMAHON

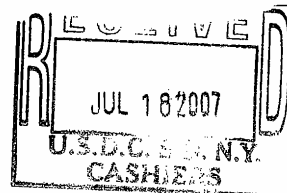
STATEMENT
PURSUANT TO
RULE 7.1

Jury Trial Demanded

07 CIV 6499

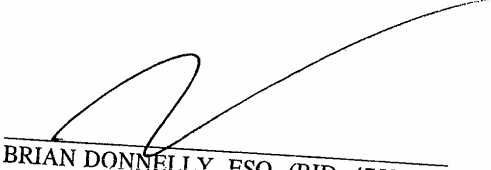
Pursuant to Rule 7.1 of the Local Rules of the United States District Court, Southern District of New York and to enable judges and magistrates of the Court to evaluate possible disqualification or recusal, the undersigned counsel for defendant, GREYHOUND LINES, INC., a private non-governmental party, certifies the following are corporate parents, subsidiaries, and/or affiliates of said parties which are publicly held:

Laidlaw Transportation Holdings, Inc.
American Bus Sales Associates, Inc.
Americanos U.S.A., L.L.C.
Autobuses Americanos, S.A. de C.V.
Autobuses Amigos, L.L.C.
Autobuses Amigos, S.A. de C.V.
Autobuses Crucero, S.A. de C.V.
Gateway Ticketing Systems, Inc.
Gonzalez, Inc. d/b/a Golden State Transportation
Greyhound Transit Ltd.
Omnibus Americanos, S.A. de C.V.
Transportation Realty Income Partners, L.P.
Union Bus Station of Oklahoma City, Oklahoma
Wilmington United Bus Station Corporation



Dated: New York, New York
July 16, 2006

By:


BRIAN DONNELLY, ESQ. (BJD- 4759)
Ahmuty, Demers & McManus, Esqs.
Attorneys for Defendants, GREYHOUND LINES, INC.
123 William Street, 27th Floor
New York, New York 10038
(212) 513-7788
Our File No.: GRH 0754N7 BJD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ZHE YANG,

Plaintiff(s),

-against-

GREYHOUND LINES INC.

Defendant.
-----X

PETITION
FOR REMOVAL

Jury Trial Demanded
ECF CASE

Docket No.:
07 CIV 6499

Defendant, Greyhound Lines, Inc., petitioner for the removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court, Southern District of New York, respectfully shows this Honorable Court:

FIRST: Plaintiffs commenced an action against the above the named Defendant in a Civil Action brought against it in the Supreme Court of the State of New York, County of New York, entitled:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
ZHE YANG

Plaintiff(s),

-against-

GREYHOUND LINES INC.,

Defendants.
-----X

INDEX NO.:
601916/07

A copy of the Summons and Complaint in this action is annexed hereto as **Exhibit "A"** and made a part hereof and upon information and belief, constitute all process, pleadings and orders allegedly served upon any party in this action.

SECOND: Upon information and belief, Defendant Greyhound Lines Inc. was served with process on or around June 18TH, 2007 through C T Corporation System, New York, New York.

THIRD: This is an action of civil nature in which the District Courts of the United States have been given original jurisdiction in that there exists diversity of citizenship between the plaintiffs and the defendants and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Accordingly, there exists original jurisdiction in the District Courts of the United States as provided in 28 U.S.C. Section 1332.

FOURTH: Under the provisions of 28 U.S.C. Section 1441, the right exists to remove this Civil Action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York, which embraces the place where this action is pending.

FIFTH: This action involves a controversy between citizens of different states. The plaintiff is now and was at commencement of the action a citizen and resident of the State of New York; the Defendant, Greyhound Lines, Inc. is currently and on the accident date a Texas Corporation, at all times having its principal place of business in Dallas, Texas and was incorporated in the State of Delaware.

SIXTH: In accordance with the requirements of 28 U.S.C. Section 1446 this Petition for Removal is filed within thirty (30) days after the service of the Summons and Complaint on the Defendant.

SEVENTH: Pursuant to the provisions of 28 U.S.C. Section 1446, Defendant attaches herewith and incorporates herein by reference copies of the following items served in this action:

- a) Plaintiff's Summons and Complaint against defendants, for damages filed in the Supreme Court of the State of New York, County of Kings, bearing index number 14835/06 marked as **Exhibit "A"**.

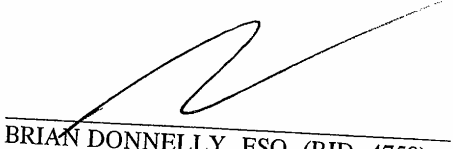
EIGHTH: By reason of the foregoing, Defendant desires and is entitled to have this action removed from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York, such being the District where said suit is pending.

NINTH: Concurrent with the filing and service of this Petition for Removal, Defendant is serving this Petition for Removal upon the plaintiffs' attorney, and filing a copy of this Petition for Removal with the clerk of the Court for the Supreme Court of the State of New York, County of New York.

WHEREFORE, Defendant prays that the above entitled action now pending against it in the Supreme Court of the State of New York, County of New York, be removed therefrom that Court.

Dated: New York, New York
July 16, 2006

By:


BRIAN DONNELLY, ESQ. (BJD- 4759)
Ahmuty, Demers & McManus, Esqs.
Attorneys for Defendant, GREYHOUND LINES, INC.
123 William Street, 27th Floor
New York, New York 10038
(212) 513-7788
Our File No.: GRH0754N7BJD